



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF ERPA-, INC.

DATE: AUG. 25, 2016

APPEAL OF NEBRASKA SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a provider of information technology services, seeks to permanently employ the Beneficiary as a senior programmer analyst. It seeks classification of the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant category. *See* Immigration and Nationality Act (the Act) section 203(b)(2)(A), 8 U.S.C. § 1153(b)(2)(A). This classification allows a U.S. employer to sponsor a professional with an advanced degree for lawful permanent resident status.

The Director, Nebraska Service Center, denied the petition on July 22, 2015. The Director concluded that the record did not establish that the Beneficiary possessed the required education for the offered position.

The matter is now before us on appeal. The Petitioner asserts that the Beneficiary is qualified for the offered position. Upon *de novo* review, we will sustain the appeal.

Upon consideration of the entire record, including evidence submitted in response to our notice of intent to dismiss of March 16, 2016, the record establishes that the Beneficiary possesses the educational qualifications required for the offered position. We will therefore withdraw the Director's decision and sustain the appeal.

The record otherwise establishes the eligibility of the Petitioner and the Beneficiary for the requested benefit. We will therefore also approve the petition.

ORDER: The appeal is sustained..

Cite as *Matter of ERPA-, Inc.*, ID# 16509 (AAO Aug. 25, 2016)